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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,249	11/25/2003	Ralph L. Piccinino JR.	84473DAN	6034
36802	7590	04/14/2005	EXAMINER	
PACESETTER, INC. 15900 VALLEY VIEW COURT SYLMAR, CA 91392-9221			RUTLEDGE, DELLA J	
		ART UNIT	PAPER NUMBER	
		2851		

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,249	PICCININO ET AL.	
<b>Examiner</b>		<b>Art Unit</b>	
D. Rutledge		2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/03 &amp; 01/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Restriction Requirement***

1. The Restriction requirement is withdrawn. All claims have been examined on the merits.

### ***Drawings***

2. The drawings are objected to because the Fig. 1 must be labeled as "Prior Art". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4, 5, 9 – 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verlinden et al. (RD 804110) in view of Shiga (US 4,533,225) or Klosterboer et al. (US 5,148,208).

The Verlinden research disclosure article teaches using a photofinishing solution supply cartridge 10 comprising an outer container (not labeled); plurality of other solution containers having a single vapor proof valve 16. The reference on page 426, the left column, that the developer type and the number and type of other processing solution in the cartridges is flexible dependent on the process. The reference teaches that the containers d1, f1, etc. are reusable on page 427, left column (claims 5, 10, 14). The

reference does not disclose using inclined to promote complete drainage of the processing solution from the cartridges, but the practice is commonly used in many fields for that very purpose and when inventing the cartridges neither the cartridge itself is put at an angle to promote proper drainage of the cartridge surface is angle to promote proper drainage. One of ordinary skill in the art would have been motivated to modify the inner cartridges to improve drainage (claim 4).

Shiga teaches that photographic processing solution may be discharged from the inner container 31B, which is within the outer container 31A, through two different tubes leading to pumps 41 and 61 for communicating with the processor. Klosterboer et al. have a photographic solution supply container 4 shown at least in Fig. 3A and has two opening communicating with the processor, one opening for discharging the solution and the other opening for receiving used processing solution. Klosterboer et al. also suggest, in column 11, lines 24 – 29 that the number of opening or ports may be increased.

One of ordinary skill in the art at the time the invention was made would note that one method of supplying processing solution to the processor may require more than one discharge port for communication with the processor and provide an improved replenishing and supplying method. That person of ordinary skill in the art would then be motivated to use the supply method of the secondary references with the improved supply cartridge arrangement taught by Verlinden et al. to use vapor proof valves with a bag-n-box arrangement and recycle the inner containers having whatever number of valves and valve ports necessary.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verlinden et al. (RD 804110) in view Shiga (US 4,533,225) or Klosterboer et al. (US 5,148,208) as applied to claims 1, 9 and 11 above, and further in view of Ogiso (US 6,193,424).

The combination was discussed above. The combination does not disclose having a sensor (a float) in one inner container and not in another. Ogiso discloses in column 2, lines 30 – 38, the use of a sensor in the developer container and using the results of that sensor to control the other containers. One of ordinary skill in the art would be motivated to use such an arrangement to reduce the cost and complexity that would have resulted has a sensor been used with each container.

6. Claims 3, 6 – 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verlinden et al. (RD 804110) in view Shiga (US 4,533,225) or Klosterboer et al. (US 5,148,208) and Ogiso as applied to claims 1 and 11 above, and further in view of DD 118144 reference.

The combination does not disclose the simultaneous discharge of the developing solution from the developing container. One of ordinary skill in the art at the time the invention was made would have recognized that using more than one evacuation port would lessen the discharge time and would have been motivated to such an arrangement at least for that purpose. The secondary reference discloses using two discharge valves in with a small container to obtain a rapid discharge rate.

**Response Data**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Rutledge whose telephone number is (571) 272-2127. The examiner can normally be reached on Mon - Thurs, 6:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
D. Rutledge  
Primary Examiner  
Art Unit 2851

dr  
4/7/2005